

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
 vs.)
)
JASON TAYLOR,)
)
 Defendant.)

)

TRANSCRIPT OF ARRAIGNMENT AND DETENTION HEARING
BEFORE THE HONORABLE DAVID C. KEESLER
UNITED STATES MAGISTRATE JUDGE
MAY 4, 2015

APPEARANCES:

On Behalf of the Government:

DANA OWEN WASHINGTON, ESQ.
United States Attorney's Office
227 West Trade Street, Suite 1700
Charlotte, North Carolina

On Behalf of the Defendant:

AARON E. MICHEL, ESQ.
Law Office of Aaron Michel
3736 Surry Ridge Court
Charlotte, North Carolina

Digitally recorded proceedings transcribed by:

Cheryl A. Nuccio, RMR-CRR
Official Court Reporter
United States District Court
Charlotte, North Carolina

P R O C E E D I N G S

(Transcript of proceedings digitally recorded on May 4, 2015.)

THE COURT: Okay. The next matter we'll take a look at this morning is Jason Taylor. The number on this is 3:15-cr-105.

The calendar does not reflect counsel for Mr. Taylor, although we see Mr. Michel is here today. Good morning.

MR. MICHEL: Good morning, Your Honor. I was just appointed --

THE COURT: Are you appointed to represent him?

MR. MICHEL: -- to represent him last Friday, I believe it was.

THE COURT: Very well. Well, we're glad to have you in the case. Thank you very much.

Mr. Washington is here for the government, of course. And we are here today for arraignment and also for a detention hearing. So let's see what we can do on this today.

Mr. Michel, I know you've only been recently appointed, but is he prepared to go ahead with arraignment today?

MR. MICHEL: Yes, Your Honor. I've met with him a couple times, and he wishes to waive a reading of the indictment and enter a plea of not guilty and requests a jury

1 trial.

2 THE COURT: Very well. Madam Clerk, if you'll
3 please show that we did conduct arraignment today for
4 Mr. Taylor. Through counsel Mr. Taylor waived a formal
5 reading of the bill. He entered a plea of not guilty and
6 requested trial by jury. That will constitute his arraignment
7 on these charges and our minutes will so reflect.

8 We'll get the usual orders issued right away,
9 Mr. Michel. And that will constitute arraignment for
10 Mr. Taylor today.

11 So let's move ahead to bond on this. Mr. Michel,
12 would you like to be heard on that today?

13 MR. MICHEL: The report -- the recommendation --

14 THE COURT: I tell you what, let me hear -- I just
15 wanted to see --

16 MR. MICHEL: Sure.

17 THE COURT: -- if you wanted to be heard, so I'll
18 take that as a yes. So let me hear from Mr. Washington.

19 MR. WASHINGTON: Thank you, Your Honor.

20 Your Honor, this defendant, Mr. Taylor, was one of
21 the redistributors on the Charlotte end. He was a drug
22 trafficker, obviously part of this organization. He was not
23 one of the leaders or organizers.

24 Your Honor, the government has thought long and hard
25 about it, looked at the pretrial services report. We believe

1 he does have some family support here who might be able to
2 ensure that he does the right thing while on supervision. We
3 would agree with the recommendation of home detention and
4 location monitoring for this defendant.

5 Just to give the Court some idea as to his
6 involvement, as I mentioned, this is a case involving a
7 corridor wiretap. He is on the wiretap. He's on there
8 discussing obtaining narcotics, paying for drugs. He also
9 made deposits into some of these bank accounts that I
10 mentioned earlier.

11 THE COURT: Okay.

12 MR. WASHINGTON: His criminal history includes
13 assault and battery, reckless endangerment. He does have
14 those out there. But we believe that with home detention and
15 electronic monitoring, he will comply with conditions of
16 release.

17 THE COURT: Mr. Michel.

18 MR. MICHEL: Your Honor, the felony conviction goes
19 back to when he was 19 and back in Poughkeepsie where he was
20 born and raised. And apparently the boyfriend of a cousin
21 attacked his brother and he got involved defending his brother
22 and ended up getting this felony conviction. And the good
23 news is he did well on probation. He complied with the terms
24 of probation, including drug testing. Never came up positive.
25 And was on probation for a number of years. And he was

1 transferred -- he'd done so well that he was transferred from
2 New York to Virginia where he worked as a sales rep for Xerox
3 for a number of years.

4 And then he had moved back here, started raising a
5 family. He's got four children. His wife and sister are
6 here. He lives with his sister.

7 And so we would acknowledge that there's some
8 history there, but ask the Court to take into consideration
9 the circumstances of that.

10 The information in the report has been verified by
11 his family who's here. And I've talked to them and they are
12 telling me the same thing I see in the report. And they
13 believe he is not a risk of flight or danger to the community
14 if he's released. That he does work. He's got some guys here
15 who he works with who speak highly of him and believe he's a
16 responsible person in terms of working and supporting his
17 family.

18 Because of the report's recommendation, I don't
19 think I could summarize it any better in terms of he doesn't
20 have any prior drug convictions or any arrests and because of
21 that, because of the stable residence, I agree with the
22 recommendation that it would be appropriate to release him on
23 the unsecured bond with home detention. If the Court wanted
24 his sister or another to cosign, I'm sure they would be
25 willing to do that.

1 THE COURT: Mr. Michel, you may have said this, but
2 where would he live?

3 MR. MICHEL: With his sister, Your Honor, at the
4 address shown in the report.

5 THE COURT: I see that there are a lot of people in
6 the audience. Are these folks here for Mr. Taylor?

7 MR. MICHEL: Yes, sir.

8 Would you please stand.

9 His sister, his wife.

10 And would you all please identify yourself.

11 UNIDENTIFIED SPEAKERS: (Inaudible.)

12 THE COURT: Okay. Thank you very much for coming.
13 Appreciate it.

14 Mr. Michel, I'm certainly going to give this serious
15 consideration. The -- I always get a little nervous when I
16 see things like a resisting public officer so recently, less
17 than a year ago. I mean, things happen, I suppose, but...

18 MR. MICHEL: That was a traffic stop where it was
19 also charged that the child wasn't in the rear seat
20 (inaudible) Your Honor, but it was resolved with a fine.

21 THE COURT: Right.

22 MR. MICHEL: So --

23 THE COURT: Okay. Two failures to appear in 2012.
24 Traffic offenses?

25 MR. MICHEL: Yes, Your Honor. He did take care of

1 those. It was a matter of getting money together to take care
2 of the matters and being in court to take care of them. Those
3 are the tough situations that ordinarily do not rise to a
4 level of danger to the community, Your Honor.

5 THE COURT: Okay. Let me take a look here.

6 (Pause.)

7 THE COURT: Well, I think I'll follow the
8 recommendation that's been made here.

9 Madam Clerk, if you will draw up papers, please,
10 reflecting a \$25,000 unsecured bond. I'll impose all the
11 usual and normal conditions that apply in our district.

12 I will add the special condition that you be on home
13 detention with location monitoring consistent with the
14 recommendation. He's not to be released until the location
15 monitoring investigation has been completed.

16 So Madam Clerk, if you would put those papers
17 together for me. We'll go over those on the record before we
18 conclude.

19 (Pause.)

20 THE COURT: Okay. Mr. Taylor, listen carefully,
21 please.

22 Look, you're presumed innocent until proven
23 otherwise. I'm not suggesting anything to the contrary. But
24 look, man, you are teetering on the precipice here. The
25 evidence in this case is serious. I mean, I heard a couple of

1 summaries already in co-defendants' cases. So you just need
2 to understand that you're in a very different situation than
3 you've been in some of your previous scrapes with the law. Do
4 you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, the question for today is bond,
7 which is not punishment. It's a decision about whether under
8 the Bail Reform Act I can set terms of release that reasonably
9 assure the safety of the community and your reappearance for
10 court. Based on the recommendation of the parties and my
11 study of your situation, I think that that's possible so I'm
12 going to set a bond for you. I've taken into account a lot of
13 things here, including the presence of your family here to
14 support you. So listen carefully. You'll have a chance to
15 review these papers for yourself, but here's what I'm going to
16 do.

17 By signing these papers, you're promising to appear
18 at all proceedings as required and to surrender for the
19 service of any sentence in your case.

20 I'm imposing a \$25,000 unsecured bond.

21 I'm imposing the usual and normal conditions that
22 apply in our district. Those would include the following:

23 That you report to probation as directed.

24 That you maintain or actively seek employment.

25 And that you abide by certain restrictions in your

1 personal associations, place of residence or travel.

2 Specifically, you can travel only in the Western District of
3 North Carolina or as otherwise approved by the probation
4 office.

5 You're not to have any contact with anybody involved
6 in the unlawful use, possession or trafficking of drugs or any
7 other unlawful conduct.

8 You're not to have any contact with anybody who
9 might be a victim or a witness in your case, and that would
10 include your co-defendants. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: You're not to possess a firearm,
13 destructive device or other dangerous weapon.

14 You're not to use alcohol to excess.

15 You're not to use or unlawfully possess any narcotic
16 drug or other controlled substance unless prescribed by a
17 doctor.

18 To ensure that you're complying with that condition,
19 you must submit to any testing required by the probation
20 office to determine whether you're using any illegal
21 substances.

22 If probation determines that it's appropriate, you
23 must comply with any substance abuse therapy, counseling, they
24 recommend.

25 I am going to place you on home detention with

1 location monitoring. Your release will not be approved until
2 that has been established in the home where you will be
3 residing.

4 You must report as soon as possible to probation any
5 contact you have with law enforcement. That would include but
6 not be limited to any arrest, questioning or traffic stop.

7 Of course, you're not to commit any further federal,
8 state or local crime.

9 On the final page of these papers is a provision
10 entitled "Advice of Penalties and Sanctions" which, in
11 essence, says that if you violated any of these conditions,
12 you're just asking for a lot more trouble. Do you understand
13 that?

14 THE DEFENDANT: Yes.

15 THE COURT: So the best thing you can do is to get
16 out, comply with all these conditions, work at your job, and
17 work carefully with Mr. Michel to aid in your own defense. Do
18 you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Anything other than that is going to be
21 trouble. Got it?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Mr. Washington, anything else?

24 MR. WASHINGTON: No. Thank you, Your Honor.

25 THE COURT: Mr. Michel?

1 MR. MICHEL: No, Your Honor.

2 THE COURT: Okay. Madam Clerk, I'm going to hand
3 these papers down. We'll have the parties who are required
4 to, please sign those papers.

5 And then when we're ready, Mr. Marshal, we'll move
6 ahead to Sidney Truesdale.

7 (Pause.)

8 THE COURT: Thank you, Mr. Michel.

9 MR. MICHEL: Thank you, Your Honor.

10 (End of proceedings.)

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NORTH CAROLINA
3 CERTIFICATE OF REPORTER
4
5

6 I, Cheryl A. Nuccio, Federal Official Realtime Court
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16 Dated this 26th day of January 2017.

17

18 s/Cheryl A. Nuccio

19 Cheryl A. Nuccio, RMR-CRR
20 Official Court Reporter
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